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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/454,761	12/06/1999	ROBERT D. GIBSON	81448	4209

23685 7590 07/02/2002

KRIEGSMAN & KRIEGSMAN  
665 FRANKLIN STREET  
FRAMINGHAM, MA 01702

EXAMINER

MAI, HAO T

ART UNIT	PAPER NUMBER
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1761

9

DATE MAILED: 07/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/454,761	GIBSON ET AL	
	Examiner	Art Unit	
	Hao T Mai	1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 5-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 5-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 5-7 in Paper No. 8 is acknowledged.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. The rejection under second paragraph of 35 U.S.C. 112 has been withdrawn.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson et al(5,314,705) in view of Dagerskog et al(4,565,704) . Hanson teaches a method for preparing a frozen meal package comprising the steps of, applying steam to the pork product at a low temperature cooking station to yield a fully-cooked, pork product(col. 1, lines 55+), and freezing the food product(col. 2, lines 30+). Hanson teaches all of the claimed limitations except for applying radiant infrared heat to boned pork product .

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Dagerskog teaches applying radiant infrared heat to boned pork product (col. 3, lines 15+, abstract). It would have been obvious to one of ordinary skill in the art to applying radiant infrared heat to boned pork product as taught by Dagerskog, since Dagerskog also teaches that the pork chops can be frozen and packaged.

3. Claims 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Dagerskog and further in view of Perrine et al(4,867,994). Hansson in view of Dagerskog teaches all of the claimed limitations except for the step of mechanically transporting the product from the high temperature cooking station to the low temperature cooking station and to the freezing station. Perrine teaches a method step of mechanically transporting the product from the high temperature cooking station to the low temperature cooking station and to the freezing station(col. 8, lines 65+, col. 9, lines 50+, col. 10, lines 5+, col. 11, lines 10+). It would have been obvious to one of ordinary skill in the art to prepare a frozen meal package by transporting the product from the high temperature cooking station to the low temperature cooking station and to the freezing station mechanically as taught by Perrine, since Perrine teaches the conventional method of using a conveyor when transporting product to other stations, and since this save time and labor of a human transporting the product.

Regarding claims 8-9, Dagerskog teaches a radiant heat searing over(fig. 1). Hansson in view of Dagerskog teaches all of the claimed limitations except for specifically claimed temperature. However, the specifically claimed temperature is not seen to be a patentable distinction and it would have been obvious to one of ordinary skill in the art to

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modify the method Hansson in view of Dagerskog by routine experimentation so as to arrive at the claim temperature.

Regarding claims 12-14, Hansson teaches steam cooker(col. 1, lines 57).

### ***Response to Arguments***

4. Applicant's arguments filed 1-14-02 have been fully considered but they are not persuasive. Applicant argues that Hanson does not teach the step of applying radiant infrared heat. It is submitted that Dagerskog teaches applying radiant infrared heat to boned pork product (col. 3, lines 15+, abstract). It would have been obvious to one of ordinary skill in the art to apply in Hanson's method the radiant infrared heat to the boned pork product as taught by Dagerskog, since Dagerskop also teaches that the pork chops can be frozen and packaged.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hao T Mai whose telephone number is (703)306-9171. The examiner can normally be reached on 8AM-7PM; MON-THU.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (703)308-3959. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-5408 for regular communications and (703)305-7718 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

hm  
June 27, 2002

  
MILTON I. CANO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700